

**UNITED STATES DISTRICT COURT FOR
THE DISTRICT OF MASSACHUSETTS**

CIVIL ACTION NO.

KIMBERLY ELAINE BROWN,

Plaintiff,

V.

**UNIFIRST CORPORATION, A/D/B/A
UNICLEAN CLEANROOM
SERVICES,**

Defendant.

MDL No. 2419

Master Docket No. 1:13-md-2419-RWZ

Honorable Rya W. Zobel

DEMAND FOR TRIAL

**CORRECTED SHORT FORM COMPLAINT
AGAINST UNAFFILIATED DEFENDANTS**

Plaintiff, KIMBERLY ELAINE BROWN, complaining against the Defendant, alleges as follows:

FIRST COUNT

1. Pursuant to MDL Order No. 7, entered in In Re: New England Compounding Pharmacy, Inc. Products Liability Litigation, Master Docket No. 1:13-md-2419-FDS, the undersigned counsel hereby submits this Short Form Complaint and Jury Demand against the Defendant, and adopts and incorporates by reference the allegations in the first-filed complaint, the allegations in the Plaintiff's Master Complaint, with attachments, and any and all amendments thereto.

2. Plaintiff is a resident of the Commonwealth of Virginia.

3. Plaintiff brings this action:

On behalf of herself.

4. Plaintiff asserts that she was administered New England Compounding Pharmacy, Inc. (NECC) drug Methylprednisolone Acetate (hereinafter referred to as NECC drug), causing injury.

5. The aforesaid administration of the NECC drug occurred on September 24, 2012, at Insight Imaging-Roanoke, by Dr. John Mathis and/or Dr. Robert O'Brien, at Insight Imaging-Roanoke, located in Roanoke, Virginia.

6. Dr. John Mathis, Dr. Robert O'Brien and healthcare facility Insight Imaging-Roanoke are hereby collectively referred to as Clinic Related Defendants.

7. Plaintiff adopts and incorporates by reference the following Causes of Action against the Defendants in the Master Complaint:

- ☒ COUNT II: NEGLIGENCE AND GROSS NEGLIGENCE (Against UniFirst)
- ☐ NEGLIGENCE AND GROSS NEGLIGENCE (Against Clinic Related Defendants)
- ☐ COUNT IV: VIOLATION OF THE CONSUMER PROTECTION STATUTES (Against Clinic Related Defendants)
- ☐ COUNT VI: VIOLATION OF M.G.L. C. 93A (Against UniFirst)
- ☐ COUNT VII: BATTERY (Against Clinic Related Defendants)
- ☐ COUNT VIII: FAILURE TO WARN (Against Clinic Related Defendants)
- ☐ COUNT IX: TENNESSEE PRODUCTS LIABILITY CLAIMS (Against Tennessee Clinic Related Defendants)
- ☐ COUNT X: AGENCY (Against Clinic Related Defendants)
- ☐ COUNT XI: CIVIL CONSPIRACY (Against Clinic Related Defendants)

- ☐ COUNT XII: WRONGFUL DEATH PUNITIVE DAMAGES
(Against Unifirst and Clinic Related Defendants)
- ☐ COUNT XIII: LOSS OF CONSORTIUM
(Against UniFirst and Clinic Related Defendants)
- ☐ COUNT XIV: PUNITIVE DAMAGES
(Against UniFirst and Clinic Related Defendants)

8. Plaintiff does not now assert but will seek leave to amend to assert the following claims promptly after the time period for giving notice has expired:

COUNT VI: VIOLATION OF THE M.G.L. C. 93A (Against UniFirst)

9. Plaintiff claims that she suffered the following injuries as a result of the administration of NECC's drug: Bodily injury, pain, suffering, mental anguish, past and future medical expenses, and inconvenience.

10. Plaintiff claims to have suffered the following damages as a result of the administration of NECC's drug: Serious injuries, great pain of body and mind, great inconvenience and past and future hospital, doctors' and/or related expenses incurred in an effort to be cured of said injuries.

WHEREFORE, Plaintiff demands Judgment against the Defendant awarding compensatory damages, attorneys' fees, interest, costs of suit, and such further relief as the Court deems equitable and just.

Plaintiff reserves the right to amend this Complaint to add allegations and claims against individuals or entities currently omitted (in light of the Court's order permitting a Master Complaint naming defendants affiliated with NECC and currently participating in mediation by

December 20) and to add or amend allegations against Defendant named herein based, in part, on further discovery.

WHEREFORE, Plaintiff , KIMBERLY ELAINE BROWN moves the court for judgment against Defendants, in the sum of TWO MILLION AND 00/100 DOLLARS (\$2,000,000.00) together with pre- and post-judgment interest and her costs in this behalf expended.

JURY DEMAND

Plaintiff hereby demands a trial by jury.

Respectfully Submitted,

**PLAINTIFF
KIMBERLY ELAINE BROWN**

BY COUNSEL,

/s/ Jennifer K. M. Crawford

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Date: 8/13/14

CERTIFICATE OF SERVICE

I, Jennifer K. M. Crawford, hereby certify that I caused a copy of the foregoing *Corrected Short Form Complaint Against Unaffiliated Defendants* to be filed electronically via the Court's

electronic filing system. Those attorneys who are registered with the Court's electronic filing system may access these filings through the Court's system, and notice of these filings will be sent to these parties by operation of the Court's electronic filing system.

Date: 8/13/14

/s/ Jennifer K. M. Crawford

Jennifer K. M. Crawford (VSB: 82104)